

**STATEMENT OF CONSIDERATION  
RELATING TO**

**703 KAR 5:020, The Formula for Determining School Accountability  
(Amended After Comments)**

(1) The public hearing on 703 KAR 5:130 was held January 25, 2007 at 2:00 p.m. in the State Board Room. Both oral and written comments were submitted at the public hearing and additional written comments were received during the public comment period that ended on January 31, 2007.

(2) The following people made oral comments and submitted written comments at the public hearing:

<u><b>Name and Title</b></u>	<u><b>Agency/Organization/Entity/Other</b></u>
Richard Innes, Education Analyst	Bluegrass Institute for Public Policy Solutions
Royce Whitman	Jefferson County Teachers Association
Lu Young, Superintendent	Jessamine County Schools

The following people submitted written comments during the public comment period:

<u><b>Name and Title</b></u>	<u><b>Agency/Organization/Entity/Other</b></u>
School Curriculum, Assessment and Accountability Council	
William Phillips, Dean	College of Education, Eastern Kentucky University
Linda H. Owens, Director	Government Relations, The College Board
Marcia Ford Seiler, Director	Office of Education Accountability
Ann Evans, Assistant Superintendent	Hancock County Schools
Mike Delaney, Assistant Principal	Hancock County High School
Barbara Spindel, Principal	South Hancock Elementary School
Rick Lasley, Principal	Hancock County High School

(3) The following people from the promulgating administrative body responded to the written comments:

Kevin Noland	Kentucky Department of Education
Pam Rogers	Kentucky Department of Education
Kevin Hill	Kentucky Department of Education
Rhonda Sims	Kentucky Department of Education

**SUMMARY OF COMMENTS AND RESPONSES:**

**(1) Subject Matter: Norm-Referenced Test (NRT) in Elementary School and Its Inclusion in the Accountability Formula**

(a) Comment: The NRT is required by state law to be included in accountability and state law requires that there be one state chosen NRT at the elementary school level that is administered state-wide. (Innes)

(b) Comment: The removal of the uniform NRT from the statewide elementary school assessment program and the substitution of non-uniform and impossible to monitor testing that varies from district to district is unwarranted and unauthorized. (Innes)

(c) Comment: Instituting annual assessments of reading and math for grades 3-8, in compliance with No Child Left Behind, has prompted concerns about the potential test burden. Options explored for reducing this burden include dropping the NRT administered at the end of primary or giving districts more flexibility regarding when the test is administered. Currently proposed changes to the regulation allow districts to identify a grade level and select an NRT from among a set approved by KDE. NRT results will be communicated as a whole in the public and at the individual student level to parents, but they will not be included in the accountability formula.

While the reasoning behind the proposed changes is clear, the following analysis of KRS 158.6453 summarizes the contention that these changes are not permitted under current statute.

- Subsection (1) of KRS 158.6453 calls for a “statewide assessment ... to ensure school accountability,” (emphasis added) which implies statewide administration of the same tests at the same time, and inclusion of test results in the accountability formula.
- Subsection (2) of the statute holds that the assessment program shall include a norm-referenced test.
- Subsection (3) of the statute holds that provisions of subsection (2) “shall apply to elementary schools, and shall also apply to middle and high schools, except as provided in subsection (4) and (8) [regarding EPAS].” (Seiler)

**Response:** KRS 158.6453 provides assessment provisions within House Bill 53 which was enacted by the 1998 Kentucky General Assembly. The accountability statute which was enacted as a part of House Bill 53 is KRS 158.6455.

Within KRS 158.6453 (2), it is provided:

“The assessment program shall include the following components:

(a) A customized or commercially available norm-referenced test that measures, to the extent possible, the core content for assessment. The test shall provide valid and reliable results for individual students...”

The above quoted provision requires the Kentucky Board of Education (KBE) to include in the assessment program a norm-referenced test. To satisfy this requirement at the elementary school level, the KBE has included in the proposed 703 KAR 5:020 a requirement that each local school district select a norm-referenced test to be administered at the elementary school level. The statute does not require that as a part of the assessment program the NRT be administered at the state level and does not require that each school district choose the same NRT. As a result, the KBE has fulfilled its statutory obligation by requiring an NRT at the elementary school level as a part of the assessment program within 703 KAR 5:020.

As mentioned above, a separate statute on accountability, KRS 158.6455, provides that the Kentucky Board of Education shall promulgate a regulation to establish an accountability system. Therefore, while there are required components for an assessment program, the KBE chooses which components of assessment, and the percentage or degree to which, those components will be included in the statewide accountability system, or CATS. For example, KRS 158.6455 (2) provides, in part: “...The Kentucky Board of Education shall promulgate by administrative regulation...the formula for a school accountability index to classify schools every two (2) years based on whether they have met their threshold level for school improvement...”. Additionally, KRS 158.6455 (7) states, in part: “...the Kentucky Board of Education may promulgate by administrative regulation...a system of district accountability that includes establishing a formula for accountability,...”.

A commenter (Innes) references KRS 158.6455 (3) in an effort to support his argument that the NRT is required by statute to be included in accountability. That particular provision actually sets the requirement as to the length of enrollment of a student in a school before the school is accountable for a student’s test scores that are included in the accountability index.

(d) Comment: The proposed approach on the elementary school level NRT does not respect parental interests. (Innes)

**Response:** Many parents have stated that they want a norm-referenced test administered to their child so they can see how well their child is doing in comparison to other students in the nation. The proposed norm-referenced assessment to be chosen and administered at the local level in elementary school will satisfy the interests of parents in providing that norm-referenced assessment. Parental interests have been respected, listened to, and have been satisfied by

continuing to require that there be a norm-referenced test administered to students in an elementary school grade and that the results be reported.

**(2) Subject Matter: Inclusion of EPAS Test (EXPLORE, grade 8) in Middle School Accountability**

- (a) Comment: The removal of all NRT elements from both the elementary and middle school CATS accountability indexes is unwanted and unauthorized. The middle school NRT (EXPLORE) must be a part of the accountability system. (Innes)
- (b) Comment: The proposed accountability formula excludes the results of EXPLORE. The reason given by former Commissioner Wilhoit and others at KDE is that ACT, Inc. reported that EXPLORE is not a secure test. However, ACT has recently indicated to legislative staff and others that EXPLORE is secure. It appears that KRS 158.6453 subsections (1) through (4), when viewed as a whole, imply that EXPLORE must be included in the accountability. (Seiler)

**Response:** The KBE has selected the EXPLORE test to be administered in each public middle school in Kentucky. The administration of EXPLORE complies with the provision within Senate Bill 130, now KRS 158.6453 (4), that requires that the assessment program include a high school readiness examination to assess English, Reading, Mathematics, and Science in grade 8. Furthermore, KRS 158.6453 (4) (d) provides that “the components to the middle and high school assessment program set forth in paragraph (a) [the high school readiness program – EXPLORE] of this subsection shall be administered in lieu of a customized or commercially available norm-referenced test under subsection (2) (a) of this section.”

The above response made regarding the non-inclusion of the elementary NRT also applies to the utilization of the EXPLORE in middle school.

The Kentucky Department of Education has developed a business partnership with ACT, Inc. and continues to engage in many conversations around technical and logistical issues. The present contractual arrangement provided students an assessment with the form of EXPLORE that is sold nationally and remains in circulation for four to five years. ACT has not reserved a secured test form for state use in the past, however is willing to consider this option for Kentucky. Securing a form for only one state would have cost implications not currently provided for in appropriations for Senate Bill 130.

**(3) Subject Matter: Procedural Deviation from Administrative Regulatory Process**

(a) Comment: Vague, place-holder language has no place in a regulation considered ready for public comment and appears to do nothing more than repeat the requirements of statute. Finally, even an appearance of manipulation of the public comment period for administrative regulations is simply unacceptable and serves only to undermine the legitimacy of Kentucky's regulatory process. The public should never be asked for comment on a draft regulation that is acknowledged in advance to be incomplete...A second public comment period is clearly required. (Innes)

(b) Comment: The revisions to the regulation, as presented at this point, reflect a great deal of work and input from various groups. I commend the State Board and KDE staff for your diligence in seeking input and considering all angles when making such important regulatory changes. (Young)

**Response:** The December KBE agenda book included draft regulation 703 KAR 5:020 dated 11-16-06. Page 10 of the 11-16-06 draft included in a table format the calculation formula to create an ACT index that values performance on the PLAN at grade 10 and ACT at grade 11 in the accountability index. The table displayed PLAN and ACT score ranges and for each range the weights student performance would earn in the calculation. The calculation formula was discussed openly at the December KBE meeting and in earlier KBE conversations. The complete KBE December agenda book was posted on the KDE website prior to the December meeting and still remains there.

At the December meeting, KDE staff brought forward the recommendation and desire of the statutorily required School Curriculum, Assessment and Accountability Council (SCAAC) to remove the calculation formula from the regulation dated 11-16-06, "Option 2". SCAAC would not advise the KBE on a particular formula until the Council had data from the statewide administration of PLAN for their review.

The very open discussion of draft 11-16-06, Option 2, and explanation of SCAAC's reasoning has provided the necessary information to permit comment by any public observer or interested party. The Kentucky Department of Education is open to comments at all times not just during formal public hearings and associated periods of comment. The Department has attempted to consider and include as much group and individual feedback as possible within the timeframe available.

**(4) Subject Matter: Scheduling of KCCT Relative to EPAS Assessments**

(a) Comment: Under the proposed regulation, reading is assessed through KCCT at grade 10 and writing is assessed at grade 12, but the EPAS exams are administered in grades 8, 10, and 11. Given the different administration years, how will it be possible to align and augment KCCT reading and writing with EPAS for assessing student-level achievement? (Seiler)

**Response:** Due to limits in resources and the need to continue accountability, KDE has focused the first efforts of alignment and augmentation with EPAS on the ACT at grade 11 considered by many as the heart of Senate Bill 130. As technical issues are resolved regarding grade 11, an application of the results can be made to the other EPAS assessments. For example, early discussion of the alignment of KCCT reading at grade 10 has included using PLAN and ACT administrations for Reading, PLAN at grade 10 only or moving the KCCT assessment of reading to a different grade for better alignment an EPAS assessment.

While an important issue and related topic, the augmentation design of using ACT items combined with KCCT items to assess student-level performance for English, reading, mathematics and science as outlined in Senate Bill 130 is not included in 703 KAR 5:020 under consideration.

**(5) Subject Matter: Weights for Open-Response and Multiple-Choice Items**

(a) Comment: The proposed regulatory changes reduce the open-response weights for most content area tests at most grade levels by 25 percent (from 67 percent to 50 percent). However, the changes in test design that are about to be implemented reduce the number of open-response items by between 33 and 50 percent in the grades in which the KCCT was administered from 1999 through 2006. Are there sufficient items to support the proposed weights? NTAPAA also has raised this concern at previous meetings. (Seiler)

**Response:** NTAPAA over time has discussed various test designs. NTAPAA has focused on the number of score points a student can potentially earn and how score points can have a natural mathematical weight or a weight added to value a particular type of item or desired outcome in an accountability system. NTAPAA has consistently said applying a weight such as 50 percent to multiple-choice items and 50 percent to open response items is a state policy decision, not a psychometric one. If Kentucky continues to value the rich application and instructional strategies promoted by the use of open response items, it should value them with a weighting plan as proposed.

**(6) Subject Matter: Weights for On-Demand Items**

(a) Comment: A similar issue arises with the proposed writing scoring method, which assigns a 50 percent weight to scores from on-demand writing and 50 percent to scores from the writing portfolio. Are there sufficient on-demand items to support the proposed weight? (Seiler)

**Response:** The same explanation given above on a state's ability to establish a policy valuing components in an accountability system applies to this subject matter. Additionally, several changes to the on-demand test design and the use of an analytic scoring guide increase the number of score points students can potentially earn. At grades 5 and 8, multiple-choice items addressing editing and revision skills will be scaled together with a writing prompt to yield student results. At grade 12, two on-demand prompts will yield the student on-demand score.

(7) **Subject Matter: Inclusion of the ACT or ACT Items in High School Accountability**

(a) Comment: After reviewing results from the state administration of PLAN, the School, Curriculum, Assessment and Accountability Council (SCAAC) at its January 2007 meeting voted unanimously to accept the ACT College Readiness Benchmarks for PLAN and EXPLORE as presented. The benchmarks will be used to create an ACT index that is proposed as five (5) percent of the high school accountability index. The ACT index values student performance on the PLAN and ACT by applying a weight to each range of scores on PLAN and ACT. (SCAAC)

<u>PLAN Ranges</u>	<u>0-3</u>	<u>4-6</u>	<u>7-9</u>	<u>10-12</u>	<u>13-15</u>	<u>16-17</u>	<u>18-24</u>	<u>25-32</u>
<u>ACT Ranges</u>	<u>0-3</u>	<u>4-7</u>	<u>8-11</u>	<u>12-14</u>	<u>15-17</u>	<u>18-20</u>	<u>21-27</u>	<u>28-36</u>
<u>Weight</u>	<u>0</u>	<u>13</u>	<u>26</u>	<u>40</u>	<u>60</u>	<u>80</u>	<u>100</u>	<u>140</u>

**Response:** Based on the recommendation of SCAAC, 703 KAR 5:020 will be amended to include the above table that provides the calculation formula for generating an ACT index for inclusion in high school accountability.

(b) Comment: The Jefferson County Teachers Association (JCTA) strongly supports offering the ACT/SAT at no cost to all Kentucky high school students. However, JCTA does have significant concerns about using items from the ACT as part of the KCCT. Although the law [Senate Bill 130] calls for the Kentucky Board of Education to do a careful analysis to insure any such ACT items are aligned with our Kentucky Core Content before using them as part of the assessment, JCTA believes the issue goes beyond alignment. The KCCT should be a criterion-referenced assessment. In other words, if all the Core Content is taught well and learned well, it should be possible for the KCCT to reflect this by having all students score proficiently. Even if the state selected ACT items that are aligned with our Core Content, these questions have been carefully designed and screened by ACT to insure that about half of the students testing will answer the questions incorrectly. (Whitman)

(c) Comment: The state is to be commended for the decision to wait on including the ACT in the accountability “pie” until 2008-2009, thereby allowing KDE time to use the 2008 ACT results to make important decisions related to alignment and the impact on school scores. This timeline also allows schools and districts time to make curricular adjustments to support all students. The State Board should be equally as diligent about seeking input in the alignment study process. An emphasis in the state assessment system on the open response format should be retained. KDE staff is urged to seek input and advice from the field and other advisory groups (including SCAAC, NTAPAA and Local Superintendents Advisory Council) as they develop plans to augment open response items with ACT items in an attempt to reduce the time spent on testing at the 11<sup>th</sup> grade. It is

hoped that the KDE staff will be particularly careful to retain Depth of Knowledge levels as an integral part of the item selection process. (Young)

**Response:** Both comments (b and c) highlight a number of technical issues that must be discussed and resolved to fully implement Senate Bill 130. The requirements that aligned items from ACT assessments be used to measure concepts in the Kentucky Core Content and that the KCCT be reduced so testing duplication does not occur establish an augmented test design using ACT and KCCT items.

While both comments involve important technical issues and related topics, the augmentation design of using ACT items combined with KCCT items to assess student-level performance for English, reading, mathematics and science as outlined in Senate Bill 130 is not included in 703 KAR 5:020 under consideration.

(d) Comment: While the ACT is an excellent predictive test for students that are going to college, it was never intended to be given to every student in HS. In making preparations for next year, our school is finding it hard to prepare students for both the ACT and the KCCT – two completely different tests. Last year, our school had over 70% of the seniors taking the test – very unusual for a rural public school. The other 30% had no business or need in taking the exam. If our school is expected to give the ACT to all juniors next school year, the school will embrace that requirement and will be much better off than most schools. However, consideration must be given to how the ACT scores will be tabulated – especially if the student has already received a high score *before* the state-ACT is given. The highest score of each student should prevail – no matter when the test was taken. (Lasley)

(e) Comment: Keeping assessment at the high school level as it [is] written would be a great injustice to those students served. The ACT and the KCCT are not compatible in their scope or outcomes. This makes it nearly impossible for a school to be successful on both measures. The KCCT has never to this point given a standard measure of where students stand in the national picture. The KCCT should be eliminated at the high school level and replaced completely by the ACT. The ACT should be given at the very end of the junior year. If given before that time the students will not have completed the coursework that is assessed. This would be one of the greatest inequities not only for the school but the students and their future plans. KBE should allow additional time for input, as many decisions such as this are being made without the advice of the people responsible for the implementation of the regulations. (Delaney)

(f) Comment: If the high schools are to be accountable on the ACT, then high schools should not be accountable on CATS. It is difficult to serve the two masters at the same time. (Spindel)



(g) Comment: The high school cannot be accountable to two masters KCCT and ACT. As the saying goes - "If you chase two rabbits, you won't catch either one." It is requested that more thought be given to how these tests should mesh with the accountability system. The KCCT should be eliminated at the high school level. Also, the ACT and Plan should be given in the spring of the junior year when students have had complete courses in Biology, Chemistry, and Physics and Algebra I and II and Geometry. All students cannot take all the courses before the fall of their junior year. To administer these tests before the students have taken those cores would be selling the students short. It is suggested that the KBE look at what is on the test and survey the schools as to when it is appropriate to test the students. Were the high school principals even asked? (Evans)

**Response:** Comments (d) through (g) highlight some of the curricular and logistically issues at the school level around using both ACT and KCCT items in accountability. While all comments related to the relationship between the ACT and KCCT, the augmentation design of using ACT items combined with KCCT items to assess student-level performance for English, reading, mathematics and science, as outlined in Senate Bill 130, is not included in 703 KAR 5:020 that is currently under consideration.

**(8) Subject Matter: Inclusion of Dual Credit Courses in Transition to Adult Life Data**

(a) Comment: The College of Education at Eastern Kentucky University would like to propose that the following be added to the list of bonus points under the transition to adult life calculation. "A bonus point shall be added to the transition to [adult] life calculation for each graduate who earns six dual credit college hours from an accredited Kentucky institution of higher education with grades of B or better." The Kentucky institutions of higher education could be certified or approved by the Kentucky Board of Education as meeting certain criteria, which the Kentucky Department of Education, in cooperation with the institution of higher education, could set to assure quality. (Phillips)

**Response:** The Kentucky Department of Education has currently a Dual Credit Task force in place to develop the type of criteria mentioned by the commenter (Phillips). After the criteria and processes are established through the work of the task force, the KBE may later include dual credit. The work around dual credit is not sufficiently complete to suggest a modification to the regulation at this time.

**(9) Subject Matter: Inclusion of Equivalent SAT benchmarks in Transition to Adult Life Data**

(a) Comment: Consider an amendment to the proposed regulation to authorize use of equivalent SAT scores in the transition to adult life base data calculation. "Meet or exceed the ACT (or equivalent SAT) benchmarks set by the Council on Postsecondary Education." (Owens)

**Response:** While KBE recognizes that the Council on Postsecondary Education has equivalent SAT scores for the ACT benchmarks, Kentucky colleges and universities use the ACT for placement decisions. In addition, Senate Bill 130 specifics the use of the ACT and establishes a statewide administration that is finically supported for all students. Given these reasons, the addition of “equivalent SAT scores” to 703 KAR 5:020 is not being considered at this time.

(10) **Subject Matter: Language Clarifications and Typographical Change**

- (a) Students who are accountable at each grade level should be carefully considered and spelled out better in the regulation. (Evans)
- (b) The aggregate score determined for a single academic index, where more than one grade level of students contribute to that index, should be determined by adding the weighted score of each student and dividing by the total of students rather than taking an average for each grade and dividing by the number of grades. All students should contribute to the PLAN and ACT Index, rather than generating a PLAN average and an ACT average divided by two. (Young)

**Response:** Language in the regulation changes clearly identifies how school and districts will be held accountable for fall testing. Regulation 703 KAR 5:001-Definitions- clearly establishes accountability. KBE feels no further clarification is needed. KBE does not propose changes in response to comment (b), calculating the PLAN and ACT as separate indices will provide more meaningful results in each grade and assessment and will track performance over time.

- (c) Comment. Section (1), Subsection (2), page 2, lines 14 and 19: Inconsistent use of hyphens in “norm-referenced” (SCAAC and Sieler)

**Response:** Hyphen added to “norm referenced “on page 2, lines 14 and 19.

- (d) Comment: Section (1), Subsection (3), page 2, lines 20 and 21: List KCCT, EXPLORE and PLAN (SCAAC)

**Response:** KBE sees this requested change as unnecessary since the alternate assessment must reflect all state-required assessments for compliance with No Child Left Behind (NCLB) and Individuals with Disabilities Education Act (IDEA).

- (e) Comment: Section (1), Subsection (4), page 3, lines 5 and 7: NAEP misspelled as NEAP (Seiler)

**Response:** Change already appears in regulation.

Comments:

- (f) Section (2), Subsection (1), page 3, line 15: Replace have with had (SCAAC)
- (g) Section (2), Subsection (2), page 4, lines 20 and 21: Move “in grades 4, 5, 7, 8, 10, 11, and 12 to the previous line before the “except” (SCAAC)

- (h) Section (2), Subsection (5), line 15 and Subsection 7, line 2: Add “with reporting” before “in” to clarify that graduate rate and transition to adult life is calculated using data that is lagged one year. (SCAAC)
- (i) Section (2), Subsection (7): Create an introduction or summary statement that the values for transition to adult life shall be based upon a system of base and bonus points for a combined total of zero ((0) to one-hundred (100) points. (SCAAC)
- (j) Section (2), Subsection (7): The placement of the phrase “divided by twice the number of graduates” seems to make it apply only to (c) but it should apply to (a) through (c). (SCAAC and Seiler)
- (k) Section (2), Subsection (8): Adding “or” to the end of each statement (a) through (d) [c] would improve clarity. (Sieler)
- (l) Section (2), after Subsection (8): Subsections labeled (10), (11), (12), need to be renumbered to (9), (10), and (11), respectively. (Sieler)
- (m) Section (2), Subsection 10: Add “bonus points are” before capped. (SCAAC)
- (n) Section (2), Subsection 11 d: Number of subsection should change to 10 d. Remove word “for” before grades. (SCAAC)

**Response:** All changes suggested in comments (f) through (n) are being made, except LRC regulation drafting rules do not permit the technical change recommended in (k) above.

**(11) Subject Matter: General Remarks**

- (a) A sixteen multiple choice question Practical Living and Vocational Study Test is more like a quiz. How can all areas of the PL/VS be tested with 16 mc questions? (Lasley)

**Response:** The issue of test design is not within the scope of this regulation.

**SUMMARY OF STATEMENT OF CONSIDERATION AND ACTION TAKEN  
BY PROMULGATING ADMINISTRATIVE BODY**

As indicated by the responses above, the Kentucky Board of Education is making the following amendments to the proposed regulation:

**Page 2  
Section 1  
Lines 14 and 19**

Add hyphen to “norm-referenced”

**Page 3  
Section 2  
Line 15**

Delete the word “have” and insert in lieu thereof “had”

**Page 4**  
**Section 2**  
**Line 20**

Insert "in grades 4, 5, 6, 7, 8, 10, 11, and 12" after the word "areas"

**Page 4**  
**Section 2**  
**Line 21**

Delete "in grades 4, 5, 7, 8, 10, 11, and 12"

**Page 5**  
**Section 2**  
**Line 15**

Insert "with reporting" after the word "Beginning"

**Page 6**  
**Section 2**  
**Line 2**

Insert "with reporting" after the word "Beginning"

**Line 2**

Insert "a system of base and bonus points. The points shall be" after the word "be"

**Line 10**

Delete "divided by twice the number of graduates"

**Lines 22 and 23**

Insert "(9)" and delete "[ (10) ]"

Insert "." after the word "calculation"

Insert "Bonus and base points shall be divided by twice the number of graduates" before the word "and"

Insert the word "points" after "(100)".

**Page 7**  
**Section 2**  
**Line 7**

Delete the word “for”

**Line 10**

Delete “(12)” and insert in lieu thereof “(11)”

**Page 10**  
**Section 3**  
**Line 6**

Insert “as follows:” after the word “scores”

After the new language “as follows” insert the following chart

<u>PLAN</u>	<u>0-3</u>	<u>4-6</u>	<u>7-9</u>	<u>10-12</u>	<u>13-15</u>	<u>16-17</u>	<u>18-24</u>	<u>25-32</u>
<u>Ranges</u>								
<u>ACT Ranges</u>	<u>0-3</u>	<u>4-7</u>	<u>8-11</u>	<u>12-14</u>	<u>15-17</u>	<u>18-20</u>	<u>21-27</u>	<u>28-36</u>
<u>Weight</u>	<u>0</u>	<u>13</u>	<u>26</u>	<u>40</u>	<u>60</u>	<u>80</u>	<u>100</u>	<u>140</u>

**Lines 7-12**

Delete lines 7 through 12 in their entirety.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(4).

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Kevin Noland  
Interim Commissioner of Education

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Keith Travis, Chair  
Kentucky Board of Education